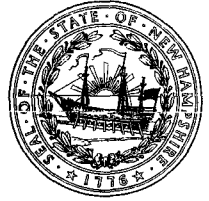




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

Mr. Robert Matregano  
The Christmas Farm Inn  
PO BOX CC  
Jackson, New Hampshire 03846

LETTER OF DEFICIENCY  
WMB PBF 05-11  
September 1, 2005

Dear Mr. Matregano:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 24<sup>th</sup> 2005, DES inspected the outdoor pool ("Outdoor Pool") at the Christmas Farm Inn in Jackson, NH.

During this inspection, the following deficiencies were noted:

1. The inspection on August 24<sup>th</sup>, 2005 revealed that the Outdoor Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Outdoor Pool water:
  - a. Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Outdoor Pool water contained 9 CTS/100mL of total coliform bacteria.
2. Env-Ws 1105.01(k)(19-b) requires pool filtration systems to include a flow meter. The filtration system for the pool did not include a working flow meter at the time of inspection.
3. Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.

During a phone conversation on August 29<sup>th</sup>, 2005, DES staff recommended that the Outdoor Pool be closed and super chlorinated.

DES believes the cited deficiencies can be corrected within 30 calendar days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. A timetable of when:
  - a. the installation/repair of the flow meter will be completed; and
  - b. the installation of sign indicating the nearest phone will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

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We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,  
  
Jody Connor  
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7422

Enclosures

cc: Gretchen R. Hamel, Legal Unit Administrator, DES ✓  
Tim Wilson, Public Bathing Facility Coordinator, DES  
Board of Selectman, Town of Jackson

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